

REMARKS

This Amendment is filed in response to the Office Action dated May 26, 2004, which has a shortened statutory period set to expire August 26, 2004.

Elections/Restrictions

The Office Action indicates that Claims 42-54 are subject to a species election. The Office Action indicates that Claims 42-44 read on species 1, Claim 45 reads on species 2, Claim 46 reads on species 3, Claims 47-51 read on species 4, and Claims 52-54 read on species 5.

As required under 35 USC 121, Applicants elect Species 1 for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Office Action indicates that species 1-5 have Claim 41 as a generic claim. Upon allowance of Claim 41, Applicants will be entitled to consideration of claims to additional species that are written in dependent form or otherwise include all the limitations of an allowed generic claim. Therefore, based on Applicants' election, the Examiner has withdrawn Claims 45-54 as being drawn to a non-elected invention.

Claims 1-41 And 55-73 Are Patentable Over The Cited References

Claim 1 recites:

A method for providing a telephony session, the method including:
receiving an electronic mail request from a third party to provide the telephony session;
calling a customer in accordance with the request;
accessing a URL providing a VoiceXML application in accordance with the request;
running the VoiceXML application when the customer answers; and
responding to an interaction with the customer during the telephony session.

Applicants submit that neither Padmanabhan nor Forum disclose or suggest various limitations of Claim 1. For example, the Office Action cites col. 3, lines 21-30 as teaching "receiving an electronic mail request from a third party to provide the telephony session". Applicants traverse this characterization.

In this passage, Padmanabhan does teach that a message server 12 may also receive messages for the user directly via email 18, fax 20, or page 24. However, this passage fails to teach anything regarding such an email including a request from a third party to provide the telephony session. Thus, the characterization in the Office Action is clearly hindsight, which is not permitted.

The Office Action cites telephone 16, telephony server 26, and message server 12 of Fig. 1 as teaching calling a customer in accordance with the request. However, because Padmanabhan fails to teach an electronic mail request from a third party to provide the telephony session, Padmanabhan must logically fail to teach calling the customer in accordance with the request. In fact, Padmanabhan explicitly teaches a method in which a user may leave a message for another user using telephone 16, and the functionality of various system components involved in the method. Col. 3, lines 46-49.

Forum fails to remedy these deficiencies of Padmanabhan. Therefore, even the combination of Padmanabhan and Forum fails to teach accessing a URL providing a VoiceXML application in accordance with the request.

Because Padmanabhan and Forum fail to disclose or suggest the recited steps of receiving, calling, and accessing, Applicants request reconsideration and withdrawal of the rejection of Claim 1.

Claims 2-13 depend from Claim 1 and therefore are patentable for at least the reasons presented for Claim 1. Based on those reasons, Applicants also request reconsideration and withdrawal of the rejection of Claims 2-13.

Moreover, Claim 2 recites "storing the status of the telephony session for access by the third party". The Office Action cites Larsson, col. 16, lines 55-60, as teaching this limitation. Applicants traverse this characterization. This passage merely teaches that "a lack of activity for a preselected time interval over the circuit-switched telephony connection between line LI2 1032 and trunk TR1 1051 results in the status of the connection being changed from the active state to the paused state." Because this passage fails to disclose or suggest the storing of the status of the telephony session for access by the third party, Applicants request further reconsideration and withdrawal of the rejection of Claim 2.

Moreover, Claim 6 recites, "receiving a plurality of requests from a plurality of third parties to provide a plurality of telephony sessions". The Office Action cites Padmanabhan, col. 3, lines 35-37 and 27, as teaching this limitation. Applicants traverse this characterization. These passages, respectively, teach that an additional server can serve as an intermediary bridge between the incoming speech signal from telephone 16 and message server 12, and that some telephones and PDAs can receive text messages. Because these passages fail to disclose or suggest receiving a plurality of requests from a plurality of third parties to provide a plurality of telephony sessions, Applicants request further reconsideration and withdrawal of the rejection of Claim 6.

Moreover, Claim 9 recites "determining whether the request passes a policy check". The Office Action cites Larsson, col. 14, lines 48-56 as teaching this limitation. Applicants

traverse this characterization. This passage refers to controlling access to a dynamic telephone connection service. Because this passage fails to disclose or suggest the electronic mail request passing a policy check, Applicants request further reconsideration and withdrawal of the rejection of Claim 9.

Moreover, Claims 10-12 respectively recite wherein the policy check is set by the third party, customer, and the receiver of the request. Applicants note that Larsson fails to disclose or suggest the electronic mail request passing a policy check and therefore, logically, must also fail to disclose or suggest who/what sets the policy check. Moreover, it is unclear to Applicants that Larsson can be characterized as including the recited third party, customer, and receiver of the request. Specifically, Larsson addresses the problem of "modem camping" in which a subscriber accessing on-line services through a modem uses the available bandwidth of the transmission channel only sporadically. Col. 2, lines 34-37 and col. 7, lines 15-19. The Office Action indicates that different subscribers could be the third party and the customer whereas the message server could be the receiver of the request. Applicants request clarification on how a subscription service can call a "customer" in accordance with the request from the "third party" and run a VoiceXML application when the customer answers. Applicants also request clarification on what element in Larsson constitutes the message server. Based on these remarks, Applicants request further reconsideration and withdrawal of the rejection of Claims 10-12.

Claim 14 recites, in part, "wherein the telephone server configurably receives an incoming call from a second customer". The Office Action fails to cite any passage in any of the references that teaches this limitation. Therefore, Applicants

request reconsideration and withdrawal of the rejection of Claim 14.

Claims 15-22 depend from Claim 14 and therefore are patentable for at least the reasons presented for Claim 14. Based on those reasons, Applicants also request reconsideration and withdrawal of the rejection of Claims 15-22.

Claim 23 recites:

A system for providing a telephony session, the method including:
means for receiving an electronic mail request from a third party to provide the telephony session;
means for calling a customer in accordance with the request;
means for accessing a URL providing a VoiceXML application in accordance with the request;
means for running the VoiceXML application when the customer answers; and
means for responding to an interaction with the customer during the telephony session.

Therefore, Claim 23 is patentable for substantially the same reasons presented for Claim 1. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claim 23.

Claims 24-40 depend from Claim 23 and therefore are patentable for at least the reasons presented for Claim 23. Based on those reasons, Applicants also request reconsideration and withdrawal of the rejection of Claims 24-40.

Moreover, Claim 25 recites "means for storing the status of the telephony session for access by the third party". The Office Action cites Larsson, col. 16, lines 55-60, as teaching this limitation. Applicants traverse this characterization. This passage merely teaches that "a lack of activity for a preselected time interval over the circuit-switched telephony connection between line LI2 1032 and trunk TR1 1051 results in

the status of the connection being changed from the active state to the paused state." Because this passage fails to disclose or suggest the means for storing of the status of the telephony session for access by the third party, Applicants request further reconsideration and withdrawal of the rejection of Claim 25.

Moreover, Claims 30 and 31 respectively recite wherein the means for scheduling includes a database regarding the customer or a database provided by the third party. The Office Action cites Padmanabhan, Fig. 1, ref. 14, 18, and 42, as teaching these limitations. Applicants cannot find any reference to a customer database or a database provided by a third party in Padmanabhan. Therefore, Applicants request further reconsideration and withdrawal of the rejection of Claims 30 and 31.

Moreover, Claim 33 recites, "means for receiving a plurality of requests from a plurality of third parties to provide a plurality of telephony sessions". The Office Action cites Padmanabhan, col. 3, lines 35-37 and 27, as teaching this limitation. Applicants traverse this characterization. These passages, respectively, teach that an additional server can serve as an intermediary bridge between the incoming speech signal from telephone 16 and message server 12, and that some telephones and PDAs can receive text messages. Because these passages fail to disclose or suggest means for receiving a plurality of requests from a plurality of third parties to provide a plurality of telephony sessions, Applicants request further reconsideration and withdrawal of the rejection of Claim 33.

Moreover, Claim 36 recites "means for determining whether the request passes a policy check". The Office Action cites Larsson, col. 14, lines 48-56 as teaching this limitation.

Applicants traverse this characterization. This passage refers to controlling access to a dynamic telephone connection service. Because this passage fails to disclose or suggest the electronic mail request passing a policy check, Applicants request further reconsideration and withdrawal of the rejection of Claim 36.

Moreover, Claims 37-39 respectively recite including means for receiving the policy check from the third party, customer, and the receiver of the request. Applicants note that Larsson fails to disclose or suggest the means for determining whether the electronic mail request passes a policy check and therefore, logically, must also fail to disclose or suggest who/what sets the policy check. Moreover, it is unclear to Applicants that Larsson can be characterized as including the recited third party, customer, and receiver of the request. Specifically, Larsson addresses the problem of "modem camping" in which a subscriber accessing on-line services through a modem uses the available bandwidth of the transmission channel only sporadically. Col. 2, lines 34-37 and col. 7, lines 15-19. The Office Action indicates that different subscribers could be the third party and the customer whereas the message server could be the receiver of the request. Applicants request clarification on how a subscription service can call a "customer" in accordance with the request from the "third party" and run a VoiceXML application when the customer answers. Applicants also request clarification on what element in Larsson constitutes the message server. Based on these remarks, Applicants request further reconsideration and withdrawal of the rejection of Claims 37-39.

Claim 41, as amended, recites:

A method of allowing an intermediate party to facilitate an interactive telephony session between a third party and a customer, the method comprising:

receiving an electronic request for the interactive telephony session from the third party;

determining if the request passes a policy check, wherein the policy check can be set by the third party, the customer, and the intermediate party; and

initiating the interactive telephony session with the customer if the request passes the policy check.

The Office Action cites Padmanabhan, col. 3, lines 21-30, as teaching the receiving step. Applicants submit that this characterization is impermissible hindsight, as discussed in reference to Claim 1. The Office Action further cites Bowman-Amuah, col. 81, lines 50-67, as teaching the determining step. As clarified by Applicants, the policy check can be set by the third party, the customer, and the intermediate party. Bowman-Amuah fails to teach this flexibility in policy check determination. Because Padmanabhan and Bowman-Amuah fail to disclose or suggest these steps, Applicants request reconsideration and withdrawal of the rejection of Claim 41.

Claims 42-44 depend from Claim 41 and therefore are patentable for at least the reasons presented for Claim 41. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claims 42-44.

Claim 55, as amended, recites:

A computerized method for providing an interactive telephony session, the method comprising:

calling a customer pursuant to an occurrence of a triggering event, the triggering event including an electronic request for the interactive telephony session;

executing a software program responsive to a voice input when the customer answers; and

responding to a voice input of the customer during the interactive telephony session.

Therefore, Claim 55 is patentable for substantially the same reasons presented for Claim 1. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claim 55.

Claims 56-61 depend from Claim 55 and therefore are patentable for at least the same reasons presented for Claim 55. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claims 56-61.

Claim 62 recites:

A method for providing a telephony session, the method including:
receiving an HTTP request from a third party to provide the telephony session;
calling a customer in accordance with the request;
accessing a URL providing a VoiceXML application in accordance with the request;
running the VoiceXML application when the customer answers; and
responding to an interaction with the customer during the telephony session.

Therefore, Claim 62 is patentable for substantially the same reasons presented for Claim 1. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claim 62.

Claims 63-73 depend from Claim 62 and therefore are patentable for at least the same reasons presented for Claim 62. Based on those reasons, Applicants request reconsideration and withdrawal of the rejection of Claims 63-73.

Moreover, Claim 63 recites "storing the status of the telephony session for access by the third party". The Office Action cites Larsson, col. 16, lines 55-60, as teaching this limitation. Applicants traverse this characterization. This passage merely teaches that "a lack of activity for a preselected time interval over the circuit-switched telephony

connection between line LI2 1032 and trunk TR1 1051 results in the status of the connection being changed from the active state to the paused state." Because this passage fails to disclose or suggest the storing of the status of the telephony session for access by the third party, Applicants request further reconsideration and withdrawal of the rejection of Claim 63.

Moreover, Claim 67 recites, "receiving a plurality of requests from a plurality of third parties to provide a plurality of telephony sessions". The Office Action cites Padmanabhan, col. 3, lines 35-37 and 27, as teaching this limitation. Applicants traverse this characterization. These passages, respectively, teach that an additional server can serve as an intermediary bridge between the incoming speech signal from telephone 16 and message server 12, and that some telephones and PDAs can receive text messages. Because these passages fail to disclose or suggest receiving a plurality of requests from a plurality of third parties to provide a plurality of telephony sessions, Applicants request further reconsideration and withdrawal of the rejection of Claim 67.

Moreover, Claim 70 recites "determining whether the request passes a policy check". The Office Action cites Larsson, col. 14, lines 48-56 as teaching this limitation. Applicants traverse this characterization. This passage refers to controlling access to a dynamic telephone connection service. Because this passage fails to disclose or suggest the electronic mail request passing a policy check, Applicants request further reconsideration and withdrawal of the rejection of Claim 70.

Moreover, Claims 71-73 respectively recite wherein the policy check is set by the third party, customer, and the receiver of the request. Applicants note that Larsson fails to disclose or suggest the electronic mail request passing a policy check and therefore, logically, must also fail to disclose or

suggest who/what sets the policy check. Moreover, it is unclear to Applicants that Larsson can be characterized as including the recited third party, customer, and receiver of the request. Specifically, Larsson addresses the problem of "modem camping" in which a subscriber accessing on-line services through a modem uses the available bandwidth of the transmission channel only sporadically. Col. 2, lines 34-37 and col. 7, lines 15-19. The Office Action indicates that different subscribers could be the third party and the customer whereas the message server could be the receiver of the request. Applicants request clarification on how a subscription service can call a "customer" in accordance with the request from the "third party" and run a VoiceXML application when the customer answers. Applicants also request clarification on what element in Larsson constitutes the message server. Based on these remarks, Applicants request further reconsideration and withdrawal of the rejection of Claims 71-73.

CONCLUSION

Claims 1-44 and 55-73 are pending in the present application. Claims 45-54 are currently withdrawn pending the Examiner's reconsideration of Claim 41. Allowance of all claims is respectfully requested.

If there are any questions, please telephone the undersigned at 408-451-5907 to expedite prosecution of this case.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 28, 2004.

9/28/2004 Rebecca A. Baumann
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